OIPE JC112
FEB 2 2 2005
PATENT & TRADEMARK OFFICE

DAC#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---X

In re Application of: :
SAMI SHEMTOV :

Serial No.: 10/679,223 :

Mark: RAIN TIGHT COMPRESSION FITTING :
COUPLING DEVICE :

Filed: October 3, 2003 :

---X

Attorney Docket No.: 551-P-006

The Empire State Building
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268 0900
February 16, 2005

MAIL STOP –PETITION
DIRECTOR FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Transmitted herewith for filing are the following documents:

(X) Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)

(X) Amendment

(X) Petition fee under Check No. 4746 in the amount of $750.00

(X) Acknowledgment Postcard

If the enclosed paper is considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (212) 268 0900. **A duplicate of this transmittal is attached.** Any fee may be charged to Account No. 13-3731.

Dated: February 16, 2005

Respectfully submitted,

Gloria Tsui-Yip

Gloria Tsui-Yip

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop – Petition, Director for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 16, 2005.

By: ______________________

Lenore Randrup

C:\wp\shemtov\transmittal021605

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)	Docket No. 551-P-006

FEB 2 2 2005

In Re Application Of: **SAMI SHEMTOV**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/679,223	**October 3, 2003**	**Eric K. Nicholson**	**07277**	**3679**	**3278**

Invention: **RAIN TIGHT COMPRESSION FITTING COUPLING DEVICE**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on ____________________

The proposed reply is in the form of: **Amendment**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on ____________________

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

02/23/2005 MAHMED1 00000025 10679223
01 FC:2453 750.00 OP

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)	Docket No. **551-P-006**

In Re Application Of: **SAMI SHEMTOV**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirrmation No.
10/679,223	**October 3, 2003**	**Eric K. Nicholson**	**07277**	**3679**	**3278**

Invention: **RAIN TIGHT COMPRESSION FITTING COUPLING DEVICE**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒	Petition fee under 37 CFR 1.17(m) in the amount of:	**$750.00**
8. ☐	Fee for amendment in the amount of:	
9. ☐	Fee for extension of time to reply to Office Action in the amount of:	
10. ☐	Issue fee in the amount of:	
11. ☐	Continuing application filing fee in the amount of:	
12. ☐	Terminal disclaimer fee in the amount of:	
13. ☐		
	Total fees enclosed:	**$750.00**

The fee of **$750** is to be paid as follows: Check # 4744

☒ A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **13-3731**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)	Docket No. **551-P-006**

In Re Application Of:
SAMI SHEMTOV

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/679,223	**October 3, 2003**	**Eric K. Nicholson**	**07277**	**3679**	**3278**

Invention: **RAIN TIGHT COMPRESSION FITTING COUPLING DEVICE**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Gloria J. Yip
Signature

Dated: **February 16, 2005**

Gloria Tsui-Yip, Esq.
Reg. No. 42,188
STOLL, MISKIN & BADIE
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268 0900

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

2/16/05.
(Date)

Signature of Person Mailing Correspondence

Lenore Randrup
Typed or Printed Name of Person Mailing Correspondence

cc:

OIPE
JC112
FEB 22 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

--X

In re application of: Sami Shemtov :

Serial No. 10/679,223 :

Filed: October 3, 2003 :

For: Rain Tight Compression Fitting Coupling Device :

--X

Art Unit: 3679

Examiner: Eric K. Nicholson

Attorney Docket No. 551-P-006

The Empire State Building
350 Fifth Avenue
Suite 4710
New York, New York 10118

February 16, 2005

MAIL STOP PETITION
DIRECTOR OF PATENTS
P.O. Box 1450
Alexandria, VA 22313

AMENDMENT

SIR:

This amendment is filed in response to the Office Action dated April 28, 2004. Please amend the application as follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Petition, Director for Patents, P.O. Box 1450, Alexandria, VA 22313, on February 16, 2005

LENORE RANDRUP
FEBRUARY 16, 2005
Date

CLAIM AMENDMENTS

1. (Currently Amended.) A connector device for rain tight coupling of an electrical ~~contiguous~~ conduit~~s~~, comprising:

first and second ~~a~~ tubular casings having ~~opposite ends with a fastening means at one end~~ mating inner and outer threaded sections, respectively, and inner axially spaced confronting faces delineating an interior annular space when said tubular casings are matingly threaded, one of said confronting faces being a tapered end of said first tubular casing, said first tubular casing having an radially uniform wall;

a deformable sealing washer positioned interiorly within said annular space abutting ~~adjacent~~ said ~~one end of said tubular casing~~ tapered end;

a resilient metal compression ring having a body with a U-shape cross section split across its circumference to form confronting faces with a ~~and~~ substantially parallel, axially offset finger~~s~~ extending from each of the opposite ends of said body to form a circular structure, said fingers moveable toward each other in response to said ring being compressed, said compression ring positioned adjacent said sealing washer with said non-confronting face of said body abutting said uniform wall of said first tubular casing and said compression ring being entrapped between said confronting faces of said casings and being compressible thereby; and

a friction washer positioned between said sealing washer and said compression ring, and responsive to the compressing of said compression ring, said friction washer is urged into said sealing washer to force said sealing washer into compressible sealing engagement with said tapered end of said first tubular casing, wherein ~~a nut having fastening means that correspondingly engages said fastening means of said tubular casing, wherein said sealing washer and said compression ring are positioned adjacent and between said tubular casing and said nut to provide~~ a rain tight seal is provided in response to tightly engaging said ~~fastening means of said~~ tubular casings ~~with said fastening means of said nut~~ to compress said compression ring.

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Currently Amended) The device of claim 1,~~5~~ wherein said sealing washer having an outer tapered surface and a tubular inner surface with a uniform radius and a flat end, said outer tapered surface of said sealing washer correspondingly mates with said tapered end ~~internal wall~~ of said first tubular casing.

7. (Original) The device of claim 6, wherein said friction washer having an inner tapered surface and a tubular outer surface with a uniform radius and a flat end that abuts said flat end of said sealing washer.

8. (Original) The device of claim 7 further comprises means for adhering said flat end of said friction washer with said flat end of said sealing washer.

9. (Original) The device of claim 7 wherein said U-shape body of said compression ring having an outer surface that correspondingly mates with said inner tapered surface of said friction washer.

10. (Currently Amended) The device of claim 1 [[4]] wherein said sealing washer having an outer surface with a uniform radius and a convexly curved inner surface.

11. (Original) The device of claim 10 wherein said sealing washer nests concentrically within said compression ring.

12. (Canceled).

13~~15~~. (Original) The device of claim 1 wherein said sealing washer is made of a rubber material.

14~~16~~. (Original) The device of claim 1 wherein said sealing washer is made of a plastic material.

15~~17~~. (Original) The device of claim 1 wherein said tubular casing is made of a rust-proof metal.

16~~18~~. (Original) The device of claim 1 wherein said compression ring is made of a rust-proof metal.

17~~19~~. (Original) The device of claim 1 wherein said nut is made of a rust-proof metal.

18~~20~~. (Currently Amended) The device of claim 1~~5~~ wherein said friction washer is made of a rust-proof metal.

REMARKS

I. Objections to the Claims

Applicant acknowledges the Examiner's objection to the mis-numbering of claims 15-20 and the Examiner's renumbering of these claims as claims 13-18.

II. Claim Rejections 35 U.S.C. §102

Reconsideration is requested of the Examiner's rejection of claims 1-4, 10-12 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,019,762 to Eidelberg et al. The Examiner relied on the Eidelberg reference as disclosing all the elements of these rejected claims.

A claim is anticipated under 35 U.S.C. §102(b) only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended claim 1 discloses a connector device for rain tight coupling of an electrical conduit, comprising:

> first and second tubular casings having mating inner and outer threaded sections, respectively, and inner axially spaced confronting faces delineating an interior annular space when said tubular casings are matingly threaded, one of said confronting faces being a tapered end of said first tubular casing, said first tubular casing having an radially uniform wall;
>
> a deformable sealing washer positioned interiorly within said annular space abutting said tapered end;
>
> a resilient metal compression ring having a body with a U-shape cross section split across its circumference to form confronting faces with a substantially parallel, axially offset finger extending from each of the opposite ends of said body to form a circular structure, said fingers moveable toward each other in response to said ring being compressed, said compression ring positioned adjacent said sealing washer with said non-confronting faces of said body abutting said uniform wall of said first tubular casing and said compression ring being entrapped between said confronting faces of said casings and being compressible thereby; and
>
> a friction washer positioned between said sealing washer and said compression ring, and responsive to the compressing of said compression ring, said friction washer is urged into said sealing washer to force said sealing washer into compressible sealing engagement

> with said tapered end of said first tubular casing, wherein a rain tight seal is provided in response to tightly engaging said tubular casings to compress said compression ring.

As admitted by the Examiner in his 35 U.S.C. §103 rejection, the Eidelberg reference fails to disclose the use of "a washer between the compression ring and the sealing washer," which is now an element of amended claim 1. Therefore, the Eidelberg reference fails to teach "each and every element" of amended claim 1 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, claims 1-4, 10-12 and 14 are not anticipated by the Eidelberg reference.

III. Claim Rejections 35 U.S.C. §103 (Eidelberg and Seiler)

Reconsideration is requested of the Examiner's rejection of claims 5-7 and 9 as being unpatentable over U.S. Patent No. 4,019,762 to Eidelberg et al. in view of U.S. Patent No. 3,733,093 to Seiler. The Examiner admitted that the Eidelberg reference fails to disclose the use of "a washer between the compression ring and the sealing washer" and relied on Figure 4 of the Seiler reference for disclosing such a washer 9a.

The Eidelberg reference discloses two tubular casings 14 and 16 threadedly connected with a compression ring 33 and a sealing washer 32 positioned between the two tubular casings 14 and 16. Disadvantageously, the compression ring 33 is only supported axially by one of the tubular casing and not uniformly supported radially by either tubular casing, thereby creating a radial gap (e.g. annular space 29 of Fig. 1) between the compression ring and one of the tubular casing.

The Seiler reference is intended for large diameter pipes, like drainage pipes, where the longitudinal axis of connecting pipe may not be a straight line, due to leakage in a drainage ditch caused by uneven surfaces where the pipes lay. The bell shaped ends allow for this non-alignment. The Seiler reference discloses a bell shaped connector 2 with a tapered large diameter annular chamber at one end of the pipe. Pipe 1 is inserted into the bell shaped connector 2 with a large gap remaining between the outer surface of pipe 1 and the connector 2. In order to hold pipe 1 within connector 2, a pressure ring 4, a safety ring 7, a slide ring 9 and a sealing ring 3, each of a substantial thickness must be added to fill the gap to secure the pipe 1.

The structure and purpose of the Eidelberg reference intended for electrical conduit are very different from the Seiler reference. The Eidelberg reference discloses a connector that provides adequate rain tight sealing merely with the use of a compression ring 33 and a sealing washer 32. The connector of the Eidelberg reference does not require a friction washer to provide rain tight sealing. The purpose of the Seiler connector is to prevent pulling and pushing of a screw socket connections. There is no teaching, reason or suggestion in either the Eidelberg or Seiler references to provide a washer between the compression ring and the sealing washer of the Eidelberg reference to provide rain tight sealing. Therefore, it would be inappropriate to combine these two references and the Examiner appears to have relied on improper hindsight in his rejection based on Eidelberg in view of Seiler.

Even assuming, without conceding, that the Eidelberg and Seiler references are combinable, neither the Eidelberg nor Seiler references discloses a tubular casing that provides uniform radial support of the compression ring of the present invention as claimed in amended Claim 1. Therefore, amended Claim 1 and all remaining pending dependent claims are not unpatentable over Eidelberg in view of Seiler.

IV. Claim Rejections 35 U.S.C. §103 (Eidelberg and Behrens)

Reconsideration is requested of the Examiner's rejection of claims 5-7 and 9 as being unpatentable over U.S. Patent No. 4,019,762 to Eidelberg et al. in view of U.S. Patent No. 5,351,998 to Behrens et al. The Examiner admitted that the Eidelberg reference fails to disclose the use of "a washer between the compression ring and the sealing washer" and relied on Figure 3 of the Behrens reference for disclosing such a washer 6.

As discussed in Section III, supra, the Eidelberg reference does not require a friction washer to provide rain tight sealing. The structure and purpose of the Eidelberg reference are also very different from the Behrens reference. The Behrens reference discloses a coupling device for pressure tight threaded pipe, without the use of a compression ring. Therefore, it would be improper hindsight in combining these two references in rejecting the claims of the present invention.

Further, even assuming, without conceding, that the Eidelberg and Behrens references are combination, neither the Eidelberg nor Behrens references discloses a tubular casing that provides uniform radial support of the compression ring of the present invention as claimed in amended Claim 1. Therefore, amended Claim 1 and all remaining pending dependent claims are not unpatentable over Eidelberg in view of Behrens.

V. Claim Rejections 35 U.S.C. §103 (Eidelberg and Trickle)

Reconsideration is requested of the Examiner's rejection of claims 13 and 15-18 as being unpatentable over U.S. Patent No. 4,019,762 to Eidelberg et al. in view of U.S. Patent No. 5,954,325 to Trickle et al. The Examiner admitted that the Eidelberg reference fails to disclose "the particular material makeup of the parts of the coupling assembly" and relied on the Trickle reference for disclosing such features.

As discussed in Sections III and IV, supra, and similar to the Seiler and Behrens references, the Trickle reference fails to disclose a tubular casing that provides uniform radial support of the compression ring of the present invention as claimed in amended Claim 1.

Therefore, amended Claim 1 and all remaining pending dependent claims are not unpatentable over Eidelberg in view of Trickle.

VI. Conclusion

By virtue of the amendment of the claims, as well as the Applicants' remarks thereto, it is believed that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

Gloria Tsui-Yip

Gloria Tsui-Yip
Attorney for Applicant
Reg. No. 42,188
STOLL, MISKIN & BADIE
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268-0900